IN THE HIGH COURT OF JUDICATURE AT BOMBY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6945 OF 2006

The Cardinal Gracious Memorial Hospital Trust .....Petitioner.

V/s

The State of Maharashtra and Anr. ..... Respondents.

Mr. A.J. Almaida for the Petitioner.

Mr. R.D. Rane, Government Pleader, for Respondent Nos. 1 and 2.

CORAM: **H.S. BEDI, C.J.,** & **V.M.KANADE, J.**

DATE : **OCTOBER 18, 2006**

P.C.

1. The Petitioner is guilty of plying a more than 12 years' old vehicle i.e. Ambulance in Mumbai, in clear and flagrant violation of the Order dated 3rd March, 2004, passed by a Division Bench of this Court. The Petitioner's Ambulance bearing No.MH-04H-117 was seized by Respondent No.2 on 5th October, 2006 which was registered in Maharashtra.

2. The learned Counsel appearing for the Petitioner submitted that the Petitioner was unaware of the above order of the Division Bench. He has apologized for the lapse, and has given an undertaking to the Court that similar lapse will not be repeated.

3. We have heard the learned Counsel for the parties at length.

4. The learned Government Pleader submitted that the Petitioner is guilty of deliberately violating the order of this Court, whereas, according to the Petitioner, the lapse has been committed because of the inadvertence.

5. The Petitioner or any authorized representative on its behalf would give an undertaking to respondent No.2, Regional Transport Officer (R.T.O.) not to ply the said vehicle within the area of Mumbai in future. On giving this undertaking, the vehicle i.e the Ambulance in question shall be released without imposing any penalty.

6. No further directions are necessary. This Petition is, accordingly, disposed of.

7. The Respondent No.2 - Regional Transport Officer to act on the authenticated copy of this order.

CHIEF JUSTICE

V.M. KANADE, J.